

REMARKS

The Office Action mailed June 22, 2006 has been carefully reviewed and the following remarks have been made in consequence thereof.

In response to the Requirement for Information under 37 CFR § 1.105 dated June 22, 2006, Applicants respectfully submit that Applicants have made a good faith attempt to obtain the requested information by conducting a reasonable inquiry into whether the requested information is readily available to Applicants. After making this good faith attempt to obtain the requested information, Applicants submit the following responses to each request provided in the Office Action. The responses are provided herein in the order in which the requests are shown in the Office Action.

The responses provided herein are based on inquiries to one of the two named inventors in the subject patent application. After making a good faith attempt to contact the second inventor, Applicants submit that the second inventor is unavailable.

Applicants respectfully object to the Requirement for Information. Specifically, Applicants submit that the Requirement for Information presents an unreasonable and undue burden to Applicants. Further, Applicants submit that the information requested is irrelevant to the prosecution of the presently pending patent application.

The Examiner requests Applicants to provide a citation and a copy of each publication authored or co-authored by any of the Applicants, which describes the disclosed subject matter of goods delivery systems and methods.

Applicants submit that the information requested herein is unknown and/or is not readily available to Applicants. Specifically, based on information and belief, Applicants submit that no Applicant has authored or co-authored any publication that describes the disclosed subject matter of goods delivery systems and methods.

The Examiner requests Applicants to provide a citation and a copy of each publication that is a source used for the description of the prior art in the disclosure, and for each

publication provide a concise explanation of the publication's contribution to the description of the prior art.

The following co-pending U.S. patent applications are sources used for the description of the prior art in the disclosure. These applications are cross-referenced in the subject application and provide background in the disclosure.

1. U.S. Patent Application Serial No. US 09/475,961.

U.S. Patent Application Serial No. US 09/475,961 describes a method of managing the delivery of an order from at least one supplier to a respective delivery agent, and from the delivery agent to a respective buyer, given a requested order date and the respective buyers address. The method includes determining a first potential arrival date of the order at a respective delivery agents location based on the order request date and the buyer's address, and calculating the capacity of the delivery agent to ship the order based on the first potential arrive date request. The method also includes determining when there is sufficient capacity to ship the order to the buyer's address.

2. U.S. Patent Application Serial No. US 09/475,962.

U.S. Patent Application Serial No. US 09/475,962 describes a method of tracking and predicting the capacity utilization of a goods delivery system, wherein the system has at least one delivery agent and at least one delivery zone including a geographic area including at least one zip group having at least one zip code. Each delivery agent has at least one delivery vehicle including a plurality of delivery vehicle slots. Each delivery vehicle slot is defined as a portion of one of the delivery vehicles used to deliver a good. The goods delivery system includes a respective first potential delivery date for approval by a buyer, a respective order, and the number of delivery vehicle slots the respective order will fill.

3. U.S. Patent Application Serial No. US 09/475,630.

U.S. Patent Application Serial No. US 09/475,630 describes a method of delivering goods from a supplier to a buyer utilizing a system having at least one delivery agent, at least

one store, at least one supplier, and a plurality of buyers, wherein the at least one delivery agent, the at least one store, and the at least one supplier are coupled to a communications network. The method includes contemporaneously communicating respective order information from a respective store to a logistics intermediary, generating respective invoice information from the respective order information, and electronically communicating the respective invoice information from the logistics intermediary to a respective delivery agent based on an electronic manifest. The method also includes noting exceptions and electronically communicating the exceptions to the logistics intermediary, wherein the exceptions are noted and electronically communicated by a respective delivery agent. The method also includes electronically communicating the exceptions from the logistics intermediary to a respective supplier and to the respective store from which goods were ordered and electronically communicating a disposition status of respective shipped goods from the respective delivery agent to the logistics intermediary. The method also includes responding, by the respective supplier, based on conditions of the respective shipped goods provided by the respective delivery agent to the respective supplier via the logistics intermediary, wherein the responding based on the conditions includes rescheduling an order, by the respective supplier, based on the conditions reported via a graphical user interface by the respective delivery agent after the respective shipped goods are received by the respective delivery agent that delivers the respective shipped goods to one of the buyers of the respective shipped goods.

The Examiner requests that Applicants provide a citation and a copy of each publication that any Applicant relied upon to develop the disclosed subject matter that describes Applicants' invention, "particularly as to developing (insert a description of the most important inventive elements)," and for each publication, provide a concise explanation of the reliance placed on the publication in the development of the disclosed subject matter.

Applicants submit that the information requested herein is unknown and/or is not readily available to Applicants. Specifically, after an inquiry to the inventor and a search of Applicants' files, no publications used to develop the disclosed subject matter are known to exist or are readily obtainable.

The Examiner requests that Applicants provide a citation and a copy of each publication that any Applicant relied upon to draft the claimed subject matter, and for each publication, provide a concise explanation of the reliance placed on the publication in distinguishing the claimed subject matter from the prior art.

Applicants submit that the information requested herein is unknown and/or is not readily available to Applicants. Specifically, Applicants did not rely on any publications in preparing the claimed subject matter.

The Examiner requests that Applicants provide any product name or service that incorporated the disclosed prior art goods delivery systems and methods, as well as information regarding Applicants' public use and/or sale (e.g. product road maps, sales presentations, investor disclosures, case studies, product manuals, product brochures, etc.), and specifically provide information regarding the previously cited GE delivery systems and methods.

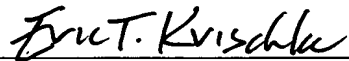
Applicants submit that the information requested herein is unknown and/or is not readily available to Applicants. Specifically, after an inquiry to the inventor and a search of Applicants' files, no product road maps, sales presentations, investor disclosures, case studies, product manuals, and/or brochures are known to exist or are readily obtainable.

Express Mail No.: EV 829957069 US

PATENT
9D-EC-19759

In view of the foregoing responses, Applicants submit that this response satisfies the Requirement for Information under 37 CFR § 1.105. All of the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,



Eric T. Krischke
Registration No. 42,769
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070